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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARIA SILVERIO, individually,

Plaintiff,
v.

CASE NO.: 2:23-cv-02044-CDS-BNW

SAM'S WEST, INC., a Foreign Corporation;
DOE MANAGERS I through X; DOE
MAINTENANCE and/or INSPECTION
EMPLOYEES or AGENTS I through X; DOES
I through XX; ROE PROPERTY
MANAGEMENT ENTITIES I through X;
ROE MAINTENANCE and/or INSPECTION
ENTITIES I through X; and ROE
CORPORATIONS and/or ENTITIES I through
XX, inclusive,

Defendants.

**JOINT PROPOSED DISCOVERY
PLAN AND SCHEDULING ORDER**

**[SPECIAL SCHEDULING REVIEW
REQUESTED]**

DISCOVERY PLAN AND SCHEDULING ORDER

COMES NOW Plaintiff, MARIA SILVERIO, by and through her attorney of record, GLENN A. PATERNOSTER, ESQ., of PATERNOSTER LAW GROUP, and Defendant, SAM'S WEST, INC. ("Defendant" or "Sams"), by and through its attorneys of record, KURT R. BONDS, ESQ. and TANYA M. FRASER, ESQ., of HALL & EVANS, LLC, and hereby submit this Joint Proposed Discovery Plan and Scheduling Order.

Fed.R.Civ.P. 26(f) Conference

The parties participated in the FRCP 26(f) conference on April 30, 2024, and there were no discovery disputes that that time. Plaintiff and Defendant will serve their respective initial disclosure

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statements no later than May 13, 2024. The parties now propose the following discovery plan:

1. **Discovery Cut-Off Date:** Defendant filed its Petition for Removal on December 11, 2023, based upon damages alleged in Plaintiffs' Request for Exemption from Arbitration, which was filed on December 6, 2023. Prior to Removal, the parties were not yet permitted to begin discovery. After removal, counsel for the parties experienced scheduling conflicts which delayed completion of the Rule 26(f) conference. Subsequently, counsel for Plaintiff sustained a serious health condition which required major surgery. Ordinarily, and pursuant to LR 26-1(b), the discovery cut-off date would be based upon the date Defendant filed its Answer, November 17, 2023; however, as mentioned above, the parties are requesting a special scheduling review and a discovery cut-off date of October 25, 2024¹, which is 180 days from the date of the parties' Rule 26(f) conference. Accordingly, the parties request special scheduling review, as the established deadlines cannot be met in this particular circumstance. For these reasons, the parties respectfully request a discovery cut-off date of October 25, 2024.

2. **Amending the Pleadings and Adding Parties:** The parties request that all motions to amend the pleadings or to add parties be filed no later than July 26, 2024, which is 90 days before the October 25, 2024 close of discovery.

3. **Fed.R.Civ.P. 26(a)(2) Disclosures (Experts):** The parties request the disclosure of experts be made on or before August 26, 2024, which is 60 days before the October 25, 2024 close of discovery. Disclosure of rebuttal experts shall be made by September 25, 2024, which is 30 days after the August 26, 2024 deadline for disclosure of experts.

5. **Dispositive Motions:** The date for filing dispositive motions shall be no later than November 25, 2024³, which is 30 days after the October 25, 2024 close of discovery. In the event that the discovery period is extended from the discovery cut-off date set forth in this proposed Discovery Plan and Scheduling Order, the date for filing dispositive motions shall be extended to be

¹ The accurate deadline is October 27, 2024; because this date is a Sunday, the practical deadline is Friday, October 25, 2024.

² The accurate deadline is July 27, 2024; because this date is a Saturday, the practical deadline is Friday, July 26, 2024.

³ The accurate deadline is November 24, 2024; because this date is a Sunday, the practical deadline is Monday, November 25, 2024.

not later than 30 days from the subsequent discovery cut-off date.

6. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than December 23, 2024, which is 30 days after the November 25, 2024 deadline for dispositive motions. In the event that dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after decision on the dispositive motions or until further order of the court. In the further event that the discovery period is extended from the discovery cut-off date set forth in this Discovery Plan and Scheduling Order, the date for filing the joint pretrial order shall be extended in accordance with the time periods set forth in this paragraph.

7. **Fed.R.Civ.P. 26(a)(3) Disclosures:** The disclosures required by Fed.R.Civ.P. 26(a)(3), and any objections thereto, shall be included in the joint pretrial order.

8. **Alternative Dispute Resolution:** Counsel for the parties certify that they met and conferred about the possibility of using alternative dispute resolution including mediation, arbitration and/or an early neutral evaluation. The parties agree that an early neutral evaluation would not be effective at this time as the parties and their counsel believe that it is necessary to conduct discovery before attempting to resolve this case. Counsel further agree that a settlement conference will be beneficial after discovery is concluded. Finally, the parties and their counsel are not interested in submitting this case to arbitration at this time.

9. **Alternative Forms of Case Disposition:** The parties certify that they discussed consenting to a trial by a magistrate judge or engaging in the Short Trial Program under Fed.R.Civ.P. 73 and at present do not consent to either alternative form of case disposition.

10. **Electronic Evidence:** The parties certify that they have discussed and intend to use electronic evidence at the trial of this matter and will ensure that said evidence is in an electronic format compatible with the Court's electronic jury evidence display system. At present, the parties have not agreed upon any stipulations regarding use of electronic evidence but will address this issue again in the Pre-Trial Order.

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11. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any stipulation or motion must be made no later than 21 days before the subject deadline. Requests to extend discovery deadlines must comply fully with LR 26-3.

IT IS SO STIPULATED.

DATED this 30th day of April, 2024.
PATERNOSTER LAW GROUP

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DATED this 1st day of May, 2024.
HALL & EVANS, LLC

/s/ Tanya Fraser
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Attorneys for Sam's West, Inc.

ORDER

IT IS SO ORDERED:

May 2, 2024

 DATE



 UNITED STATES MAGISTRATE JUDGE

Respectfully submitted by:

HALL & EVANS, LLC

/s/ Tanya Fraser
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